IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 11998 of 2004

Between:

Nangunuri Madhavi w/o.Nanda Kishore
R/o. H.No.2-11-77/5, Ram Mandir Road Khamareddy Town and
Mandal, Nizamabad District.

..... PETITIONER

AND

1 Assistant Provident Fund Commissioner Employees Provident Fund Organisation, Nizamabad.
2 The Recovery Officer, Sro Nizamabad
O/o Employees Provident Fund Organisation, Nizamabad.

..RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 1st Respondent in not passing any orders on the Revision Petition filed by the Petitioner dated 23-3-2004 against the Ex-parte orders passed by the Respondent No.1 herein Vide his order No.AP/SRO/NZB/Enf/7A/34145/2004/3749 dated 28-1-2004 as well as the Ex-parte order No.AP/SRO/NZB/ENF/7a/34145/2003/2380 dated 28-4-2003 as illegal, arbitrary, null and void and consequently direct the respondents to pass the orders on merits after affording opportunity to the petitioner in the above revision petition and not to implement the above Ex-parte orders till the Finalisation of the Revision Petition dt.23.3.2004 in the interest of Justice.

Counsel for the Petitioner:MR.J.ASHWIN KUMAR -Advocate

Counsel for the Respondent No.: MR.R.N.REDDY –Standing counsel

The Court at the stage of admission made the following :

ORDER:

The present writ petition is filed questioning the action of the first respondent in not passing any orders on the revision petition filed by the petitioner dated 23-3-2004 against the ex-parte orders passed by the first respondent No.1 herein vide order dated 28-1-2004 as well as order dated 28-4-2003.

The petitioner claims to have purchased a rice mill viz., M/s. Venkat Ramana Rice Mill, for a valuable consideration and leased out the same from 15-11-2001 to 31-10-2003 to Shaik Mahaboob and Prakash and state that the said lessees had conducted business in the name of M/s.Bhagya laxmi Binny Rice Mill by engaging four employees. While so, an ex-parte order under section 7-A of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 was issued directing M/s.Vijayalaxmi Trading Company to remit an amount of Rs.88,140/- towards employees deposit linked insurance fund contributions and administrative charges for the period from 11/1999 to 2/2003. The petitioner contends that he had no control over the business and the employees engaged thereon. Aggrieved by the said order, the petitioner stated to have preferred a revision before the first respondent on 23-3-2004 and alleges that no orders were passed thereon and a demand notice dated 30-4-2004 was issued by the second respondent and that the respondents are pressurizing to remit the said amount. Hence, the writ petition.

Heard the learned counsel for petitioner and learned Standing Counsel for respondent Mr.R.N.Reddy. Both counsel agreed for disposal of the writ petition with the following order:

The first respondent is directed to dispose of the revision petition filed by the petitioner on 23-3-2004 within a period of four weeks from the date of receipt of copy

of this order, in accordance with law. Till such time, the respondents are directed not to enforce or take any coercive steps on the demand notice dated 30-4-2004.

Accordingly, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

14-7-2004

TVK

To

1 Assistant Provident Fund Commissioner Employees Provident Fund Organisation, Nizamabad.
2 The Recovery Officer, Sro Nizamabad
O/o Employees Provident Fund Organisation, Nizamabad.

3.. 2CCs to

4./.2CD copies

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